FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE.
CRIMINAL APPEAL NO. 503 OF 2006

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.
	Anup Pandey for appellant P.S.Hingorani APP for respdt.

CORAM; V.G.PALSHIKAR &
SMT.NISHITA MHATRE, JJ.

DTAED: 7TH NOVEMBER, 2006.

P.C.

1. This appeal is directed against the order dated 6-12-2005 passed in Criminal Writ Petition No.1090 of 2005 whereby the learned Single Judge of this court declined to exercise jurisdiction under Article 226 of the Constitution for reasons mentioned in the order.

2. This appeal is directed against that order on the ground basically that the learned Judge was duty bound to decide the application under section 340 of

Cr.P.C. His failure to do so is failure to exercise jurisdiction vested in him by law. Such appeal to challenge the order passed by the Single Judge of this High Court can be made before the Supreme Court of India. The objections raised by the office that the appeal is not tenable is correct. The appeal is therefore not maintainable and

is therefore rejected.

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